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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniel G Waddington

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EXAMINER

TANG, KENNETH

ART UNIT

PAPER NUMBER

2195

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/913,463	<b>Applicant(s)</b> WADDINGTON, DANIEL G	
	<b>Examiner</b> Kenneth Tang	<b>Art Unit</b> 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-18, 20-21, 27-28, and 31-33 is/are rejected.
- 7) ☒ Claim(s) 19, 22-26, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the Amendment filed on 1/19/06. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 17-33 are now presented for examination.

### ***Allowable Subject Matter***

3. Claims 19, 22-26, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Objections***

4. Claim 17 is objected to because of the following informalities:
  - In claim 17, lines 4-5, "a computer" should be changed to "the computer";
  - In claim 17, line 13, "a reservation" should be changed to "the reservation";Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. It is unclear whether this claim is a computer program claim or a method claim, and therefore, it is indefinite.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The claimed invention is directed to non-statutory subject matter. In claim 33, the limitation relating to “data carrier” is not statutory, as carrier waves are not considered to be statutory matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 17-18, 20-21, 27-28, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baugher et al. (hereinafter Baugher) (US 5,701,465) in view of Frank et al. (hereinafter Frank) (US 5,790,851).**

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8. As to claim 17, Baugher teaches a method of administering resource utilization in a computer, the computer comprising:

scheduling reservation (*via resource reservation system, see Fig. 8, col. 9, lines 66-67, etc.*) requests in accordance with at least one method for a plurality of differing resources of the computer, wherein said scheduling initiates resource specific reservation processing; and at least one reservation means having at least one method for making reservations for access to a resource of the computer (resource reservation system), the method comprising (*col. 9, lines 66-67 through col. 10, lines 1-8*):

running a first process to make a reservation for access to a resource in dependence on a resource requirement communication from an application process said application process calling a scheduling method of the scheduling means, said scheduling method taking a hardware independent first resource access requirement definition as a parameter and calling a reservation method of the reservation means to make a reservation for said application process using a hardware dependent second resource access requirement definition as a parameter (service parameters of the resource reservation system) (*col. 2, lines 11-16, col. 9, lines 66-67 through col. 10, lines 1-8, col. 6, lines 23-36*);

granting requests for access to said resource from said application process in dependence on said reservation, comprising running a resource specific scheduling process to grant access (to data in the reservation table) to a resource in dependence on the reservation made by the reservation means initiated by said scheduling means (*col. 3, lines 22-25, col. 6, lines 61-64, col. 9, lines 66-67 through col. 10, lines 1-8*); and

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utilizing said resource for the purposes of said application process (available for reservation by an Ethernet adapter, etc.) (*col. 9, lines 66-67 through col. 10, lines 1-8*).

Baughner is silent in having a multi-processing system. However, Frank teaches a multiprocessing resource reservation system (*see Abstract, col. 3, lines 54- col. 4, lines 1-8*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Baughner in Frank because it would increase the efficiency of processing (*col. 1, lines 13-31, col. 4, lines 1-8, etc.*), as stated in Frank.

9. As to claim 18, Baughner teaches wherein said scheduling means translates the hardware independent first resource access requirement definition into the hardware dependent second resource access requirement definition (*col. 6, lines 66-67 through col. 7, lines 1-8, col. 9, lines 66-67 through col. 10, lines 1-8*).

10. As to claim 20, Baughner teaches wherein said a second resource access request definition has a form suitable for use by at least one of the following:

a CPU reservation component of the computer; and a memory reservation component of the computer (reservation in a computer system) (*col. 10, lines 49-67-col. 11, lines 1-21*).

11. As to claim 21, Baughner teaches wherein said resource comprises a CPU of the computer, and said scheduling means is arranged to reserve access to CPU time for said application process using said second resource access requirement definition in advance of said step of granting a

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request for access to the CPU (*col. 9, lines 66-67 through col. 10, lines 1-8, col. 3, lines 22-25, col. 6, lines 61-64, col. 9, lines 66-67 through col. 10, lines 1-8*).

12. As to claim 27, Baugher teaches wherein said memory reservation component comprises a mass storage device reservation component of the computer (*Fig. 2, 300 or 320 or 330*).

13. As to claim 28, it is rejected for the same reasons as stated in the rejections of claims 21 and 27.

14. As to claims 32-33, they are rejected for the same reasons as stated in the rejection of claim 17.

15. **Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baugher et al. (hereinafter Baugher) (US 5,701,465) in view of Frank et al. (hereinafter Frank) (US 5,790,851), and further in view of Bonomi et al. (hereinafter Bonomi) (US 6,292,492 B1).**

As to claim 31, Baugher teaches wherein said memory is comprises random access memory (Main Memory 120, Fig. 1, etc.) and in advance of said step of granting a request for access to said random access memory (*col. 2, lines 11-16, col. 9, lines 66-67 through col. 10, lines 1-8*). Baugher fails to explicitly teach reserving minimum memory space. However, Bonomi teaches reserving minimum memory space (*see Abstract*). It would have been obvious

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to one of ordinary skill in the art at the time the invention was made to include the feature of reserving minimum memory space to the existing system of Baugher and Frank because it would maximize memory space (*see Abstract*).

### ***Response to Arguments***

16. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kt  
5/31/06

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